

# **EXHIBIT D**

**Alderman, William F.**

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**From:** Valeria Calafiore Healy <valeria.healy@healylex.com>  
**Sent:** Monday, August 03, 2015 2:56 PM  
**To:** Alderman, William F.  
**Cc:** Diana Wong; Daisy Carrera  
**Subject:** Orrick Subpoena

Mr. Alderman:

thank you for taking the time to speak to me today regarding Orrick's responses to the Subpoena.

I will reach out again to set up a more formal meet and confer with you so that we can more fully address certain issues that will need follow up.

First, as I mentioned over the phone, we believe we are entitled to a privilege log. You indicated that Almaxwave will decide whether to produce one or not. In respect of privilege asserted by Orrick, you indicated you don't believe we are entitled to a privilege log, but you will review the issue and will let me know if you change your mind.

I also quickly reviewed the 39 documents that were produced by Orrick along with its objections and noted that there appear to be numerous missing documents.

For instance, document Bates stamped OHS00075 is an email by Gatti to Bautista asking for a call regarding personal counseling to Gatti in reference to Loop AI's Stock Purchase Agreement. Bautista followed up internally on that email asking for Gatti's related documents. What is missing is any response that Bautista sent to Gatti regarding her request for a call. Did Bautista actually have the call with Gatti? Also, were Bautista's personal emails searched for documents responsive to the Subpoena. Since Bautista was using his personal email for business related purposes in reference to matters at issue in the litigation, Orrick should produce any documents or communications he may have sent using his personal email. If Orrick is taking the position that you do not have to produce documents he may have sent from his personal email, please let me know so that we can ensure we address this issue appropriately.

The above example relating to potentially missing documents is just to give you an idea, but there is other evidence that leads to the impression that either the collection of documents Orrick made was not sufficient, or that the production was not complete. By way of another example, Orrick's objections indicate that you would be producing the manual referenced in one of Bautista's emails, but no such manual was produced nor was any correspondence produced between Bautista and the accounting department regarding Loop AI/Soshoma.

I will lay out in more detail in a formal letter all the other deficiencies, but wanted to promptly alert you of the above.

Finally, Loop AI's Chief Executive Officer sent a document transfer requests several months ago to Larry Low and to John Bautista. That request remains unanswered to date and the client has urgency to obtain all its files that continue to remain in Orrick's possession. Please confirm that you are in fact planning to promptly transfer the client's file to it and kindly provide me a date by which the transfer will be completed.

Please let me know what date would be convenient for you for a formal meet and confer to address the above issue or any other issue that may arise out of Orrick's current response to the Subpoena.

Thank you.

Kind regards,

Valeria Calafiore Healy, Esq.  
**HEALY LLC**  
***Litigation & Dispute Resolution***  
154 Grand Street  
New York, New York 10013  
M: +1.917.595.0491  
T: +1.212.810.0377  
F: +1.212.810.7036  
[www.healylex.com](http://www.healylex.com)

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